

**LAKE COUNTY RULES OF PROCEDURE APPLICABLE TO  
ESTATE TRUST/PROBATE AND ESTATES**

**L.R.45-P.R.00 Rule 1.**

All probate rules and regulations promulgated by the Veterans Administration are hereby adopted as probate rules of the Court.

**L.R.45-P.R.00 Rule 2.**

Probate matters must be transacted with the Probate Commissioner. Only emergency matters may be submitted to the presiding Judge. Telephone calls or visits to the Probate Commissioner's private office should be kept at a minimum.

**L.R.45-P.R.00 Rule 3.**

Unless the Probate Clerk has sent the files to the Probate Commissioner, Attorneys must obtain filesheets and jackets from the Probate Clerk prior to submitting any matter to the Probate Commissioner.

**L.R.45-P.R.00 Rule 4.**

All petitions, of any nature or kind, in all matters, must be executed and verified by the Personal Representative, ~~the Guardian,~~ the Trustee, or the Interested Party (Petitioner), and not by the Attorney.

**L.R.45-P.R.00 Rule 5.**

All Attorneys are required to prepare CCS Entry Forms showing each pleading filed, and setting forth all necessary matters for all proceedings. ~~The Standard entries are to be used when applicable.~~

**L.R.45-P.R.00 Rule 6.**

All Attorneys are required to prepare orders in a form approved by the Court (order per form or OPF) ~~per form~~ for all proceedings, except where expressly indicated to the contrary by the respective Probate Commissioner.

**L.R.45-P.R.00 Rule 7.**

Where matters are filed by mail, or left with the Court for filing, a self-addressed stamped envelope must be included for return of documents to the Attorney.

L.R.45-P.R.00 Rule 8.

Routine matters, such as Inventories, Proofs of Publication, Inheritance Tax Returns, Schedules, Affidavits of No Inheritance Tax Due, Closing Statements, and Final Reports, may be filed with the Probate Clerk ~~or Probate Secretary~~ for transmittal to the Probate Commissioner.

L.R.45-P.R.00 Rule 9.

Attorneys desiring to have the Court Reporter present for a hearing must make a written request for same ten (10) days in advance of the hearing. Hearings involving the Court Reporter shall be set subject to his or her availability.

L.R.45-P.R.00 Rule 10.

Any contested matters scheduled for hearing on a probate day shall take precedence over unscheduled business. Attorneys are encouraged to call the Court to find out when contested matters are routinely scheduled.

L.R.45-P.R.00 Rule 11.

~~Whenever notice by publication and/or written notice by U.S. Mail is required to be given, T~~he Attorney shall prepare any required such notices and shall ensure that such notices are properly published and/or served in compliance by certified mail, ~~return receipt requested, when required. In all respects it shall comply with all~~ statutory requirements. ~~It shall be t~~The Attorney's responsibility to shall ascertain and provide adequate proof that notice was properly served prior to bringing a matter to the attention of the Probate Commissioner.

L.R.45-P.R.00 Rule 12.

Copies of petitions and accountings must be sent with all notices, where the hearing involved arises from the matters contained in the petition and/or accounting.

~~L.R.45-P.R.00 Rule 13.~~

~~Unless waived, all other notices shall be given in strict conformity with statutory requirements and proof of such service in proper form must be presented to the Court at the time of the hearing.~~

L.R.45-P.R.00 Rule 134.

An inventory must be filed in all supervised eEstates within sixty (60) days after appointment of the Personal Representative. An inventory is not required to be filed in an unsupervised estate. ~~and Guardianship matters as follows: Estates, within 60 days; Guardianship, within 90 days for permanent guardians, or within 30 days for temporary guardians. All times relate to the date of appointment.~~

L.R.45 P.R.00 Rule 15.

~~In all instances in which real estate is to be sold, a current written appraisal setting forth the fair market value thereof must be filed with the Court no later than at the time of the filing of the Petition seeking such sale.~~

L.R.45-P.R.00 Rule 146.

Attorneys must attend the hearings on current or final accounts on the date scheduled for such hearings. The Court may, in its discretion, require the attendance of the Personal Representative, ~~Guardian~~ or Trustee at all such hearings.

L.R.45 P.R.00 Rule 17.

~~Hearings on final reports shall be scheduled on the last probate day of each week.~~

L.R.45-P.R.00 Rule 158.

Unless otherwise ordered by the Court, In all accountings~~reports made to the Court, vouchers for the expenditures claims therein must be filed therewith, or in the alternative, at the discretion of the Court, shall be accompanied by an affidavit stating that receipts~~vouchers are available for all disbursements contained in the accounting.~~for all such items may accompany said report.~~

L.R.45-P.R.00 Rule 169.

Receipts for all final distributions must be filed ~~with either in the final report, or the~~ supplemental report, before discharge will be given by the Court.

L.R.45-P.R.00 Rule 1720.

All aAccountings must follow the prescribed statutory format. Informal, ~~hand-~~  
~~written, or handwritten~~ transactional accountings will not be accepted.

~~L.R.45-P.R.00 Rule 21.~~

~~The Social Security number of the Personal Representative or Guardian must be  
provided to the Court at the time of opening an Estate or Guardianship.~~

L.R.45-P.R.00 Rule 1822.

The name and address of the Insurance Agency providing the corporate surety must  
be typed on all corporate bonds filed in any eEstate or Guardianship.

L.R.45-P.R.00 Rule 1923.

In all contested mattershearings, the Indiana Rules of Trial Procedure shall apply,  
~~Trial Rule 16, Pre Trial Procedure, as modified by Order of the Court, shall be~~  
~~strictly enforced.~~

L.R.45-P.R.00 Rule 204.

In a supervised estate, Any petition for the allowance of fees, pursuant to the Fee  
Guidelines, for the Attorney and/or the Personal Representative or Guardian shall  
specifically set forth a description of the all-services performed in detail as and well  
as a calculation of the amount of the fee requested. At the time the pPetition is  
considered by the Court, the Attorney must be present. No fee request will be  
considered as a part of the fFinal report or accountAeeount in any supervised  
eEstate or Guardianship proceedings. A separate petition must be filed requesting  
such fee determination. No fee, in any proceeding, whether in whole or in part, shall  
be paid without the prior approval of the Court. No Attorney or Personal  
Representative fees will be authorized for payment until the estate is substantially  
settled.

L.R.45-P.R.00 Rule 21.

Where contracts for legal services have been entered into prior or subsequent to the  
opening of, or conversion to, a supervised estate without prior Court approval, the  
Court reserves the right to approve or disapprove the fee contracts consistent with  
fee guidelines and/or Court policy.

L.R.45-P.R.00 Rule 22.

Attorney and Personal Representative fees will not be determined or authorized for payment by the Court in an unsupervised estate.

L.R.45-P.R.00 Rule 23.

Unless otherwise stated in the decedent's Last Will and Testament, any Attorney or Personal Representative fees determined to be due by reason of non-probate assets shall be assessed against the recipients of the non-probate assets.

L.R.45-P.R.00 Rule 24~~5~~.

All ~~d~~Deeds submitted to the Court for approval ~~in either Estate or Guardianship proceedings~~ must be signed by the Personal Representative~~Fiduciary~~ and the signature notarized prior to its submission. ~~All such Deeds are to be submitted with the Report of Sale of Real Estate or at the time of hearing on the Final Account.~~ Copies of such ~~d~~Deeds must be filed for the Court records.

L.R.45-P.R.00 Rule 25~~6~~.

In all wrongful death~~settlement~~ proceedings, ~~whether wrongful death, minor's settlement, or incapacitated person's settlement,~~ the Personal Representative, ~~one Custodial Parent, or the Guardian~~ must be present at the time the settlement, either partial and/or final, is presented to the Court for approval. ~~The Court retains the right to require the presence of the minor or incapacitated person at such times.~~

L.R.45-P.R.00 Rule 26.

All documents filed with the Court must comply with the requirements of Ind. Trial Rule 5(G) and Administrative Rule 9(G)(1).

L.R.45-P.R.00 Rule 27.

For good cause shown, the Court may waive any local procedural rule.

**ESTATE RULES**

L.R.45-P.R.00 Rule 28.

When required by law, all Wills must be admitted to Probate unless filed with the Clerk pursuant to Ind. Code § 29-1-7-3.1, as amended.

L.R. 45-P.R.00 Rule 29.

Bond procedures for Estates:

- a. If the decedent's Will provides for no bond, the Court may honor the request unless otherwise required by statute;
- b. If all heirs request no bond or a minimal bond, the Court may honor such request unless otherwise required by statute;
- c. In all instances, upon petition by an interested person, the Court may require a bond to protect creditors, heirs, legatees, or devisees;
- d. In all other situations, the Court will determine and set the amount of the bond and in no event shall it be less than that required to protect creditors and taxing authorities;
- e. Personal surety must meet the requirements of Ind. Code § 29-1-11-5;
- f. No Attorney will be accepted as personal surety on any bond required to be filed in Court.

L.R.45-P.R.00 Rule 30.

Where an account with expenditures restricted by Court Order has been created, an acknowledgment of or acquiescence to the restriction by the financial institution involved must be filed by the Personal Representative's Attorney within ten (10) days of the Court Order creating such an account.

L.R.45-P.R.00 Rule 310.

ThreeFive (35) months and fifteen (15) days after the date of the first published notice to creditors, the Personal Representative, or the Personal Representative's his Attorney, ~~shall examine the Claim Docket and shall~~ must allow or disallow each claim filed against the eEstate.

L.R.45-P.R.00 Rule 321.

If an eEstate cannot be closed, the Personal Representative must report the condition of the eEstate to the Court one (1) year after the date of the Personal Representative'shis appointment, and thereafter every year until the eEstate is fully administered.

L.R.45-P.R.00 Rule 332.

~~Inheritance Tax Returns Schedules, with all required attachments, must be filed in triplicate, with copies of the Decedent's Will attached, if there is one. Proposed Orders Determining Inheritance Tax Due must be filed in quadruplicate at the time of determination of the tax.~~

~~L.R.45-P.R.00 Rule 33.~~

~~Proposed Orders Determining Inheritance Tax Due in the format prescribed by the Indiana Department of Revenue shall be prepared by the Attorney and filed in quadruplicate at the time of determination of the Tax.~~

~~L.R.45-P.R.00 Rule 34.~~

~~Unless notice is waived on the Inheritance Tax Schedule, the Personal Representative and/or his Attorney, must attend the hearing to determine inheritance tax.~~

L.R.45-P.R.00 Rule 345.

~~Although not required by law, tThe Federal Estate Tax cClosing letter and/or the countersigned receipt, or a photocopy thereof, showing payment of the Federal Estate and/or Indiana iInheritance tTax liability in the eEstate, executed and sealed by the Indiana Department of the State Revenue, should must be filed withattached to the Final Report or the Supplemental Report at the time of filing.~~

~~L.R.45-P.R.00 Rule 36.~~

~~No Attorney or Personal Representative fees will be authorized for payment until the Estate is substantially settled.~~

L.R.45-P.R.00 Rule 357.

Proof of publication of all notices required to be published shall be filed with the Court by the Attorney for the eEstate. It is the Attorney's responsibility to ensure that publication was timely made, and proof thereof is properly filed with the Court.

~~L.R.45-P.R.00 Rule 38.~~

~~It shall be the responsibility of the Attorney and/or the Personal Representative to provide notice of the opening of the Estate to any reasonably ascertainable creditor.~~

~~L.R.45 P.R.00 Rule 39.~~

~~No Attorney or Personal Representative fees will be determined and authorized for payment by the Court in any Unsupervised Administration of a Decedent's Estate.~~

~~L.R.45 P.R.00 Rule 40.~~

~~Any Attorney or Personal Representative fees determined to be due by reason of jointly held assets shall be assessed against the owner of the jointly held asset.~~

~~L.R.45-P.R.00 Rule 3641.~~

~~The Court shall have no involvement, other than for opening, closing and determining Indiana inheritance tax due in an Unsupervised Administration of a Decedent's Estate. If the jurisdiction of the Court is invoked for any other matter, the administration shall become a supervised administration from there on for all remaining matters.~~

~~L.R.45-P.R.00 Rule 3742.~~

~~When a verified closing statement has been filed, an affidavit executed by the Personal Representative stating that no proceedings are pending shall be filed with the Court upon the expiration of the three (3) month statutory waiting period.~~

~~L.R.45-P.R.00 Rule 3843.~~

~~If the Personal Representative has filed a claim in the Estate, the claim may be allowed by the Court if all interested parties have consented thereto. In the event the consents have not been obtained, a special administrator shall be appointed and a hearing on the claim will be held as prescribed by statute.~~

~~L.R.45 P.R.00 Rule 44.~~

~~In the event a petition is filed requesting that an Estate be closed as insolvent, a hearing shall be held thereon. Notice shall be given to the Lake County Assessor, all interested parties, all claimants and all reasonably ascertainable creditors.~~

~~L.R.45 P.R.00 Rule 45.~~

~~Where contracts for legal services have been entered into prior or subsequent to the opening of an Estate without prior Court approval, the Court reserves the right to approve or disapprove the fee contracts consistent with fee guidelines and/or Court policy.~~



## APPENDIX B FORMS

### ~~L.R.45 P.R.00 FORM 1~~

~~Petition filed for Letters of Administration for Estate of \_\_\_\_\_, Deceased. Petition examined. Court now finds \_\_\_\_\_, Deceased, died on \_\_\_\_\_, a resident of Lake County, Indiana, leaving property therein. Court appoints \_\_\_\_\_ as Personal Representative of the Estate. Personal Representative files Oath and Bond, examined and approved. Letters ordered issued.~~

### ~~L.R.45 P.R.00 FORM 2~~

~~Instrument produced for Probate purporting to be the Last Will of \_\_\_\_\_, Deceased. Petition filed for Probate of Will and Issuance of Letters. Instrument examined. Evidence of \_\_\_\_\_, attesting Witness, submitted and reduced to writing by filing Proof of Will. Court now finds \_\_\_\_\_, Deceased, died on \_\_\_\_\_, a resident of Lake County, Indiana, leaving property therein. Will admitted to Probate. Court appoints \_\_\_\_\_ as Personal Representative. Personal Representative files Oath and Bond, examined and approved. Letters ordered \_\_\_\_\_ issued.~~

### ~~L.R.45 P.R.00 FORM 3~~

~~Instrument produced for Probate purporting to be the Last Will of \_\_\_\_\_, Deceased. Petition filed for Probate of Will. Instrument examined. Evidence of \_\_\_\_\_, attesting Witness, submitted and reduced to writing by filing Proof of Will. Court now finds \_\_\_\_\_, Deceased, died on \_\_\_\_\_, a resident of Lake County, Indiana, leaving property therein. Will admitted to Probate.~~

### ~~L.R.45 P.R.00 FORM 4~~

~~Instrument produced for Probate purporting to be the Last Will of \_\_\_\_\_, Deceased. Petition filed for Probate of Will. Instrument examined. Court finds that the Last Will of the Decedent was a self-proved Will executed in all respects according to law with proper acknowledgement and verification thereof. Court now finds that \_\_\_\_\_, Deceased, died on \_\_\_\_\_, a resident of Lake County, Indiana, leaving property therein. Will admitted to Probate.~~

### ~~L.R.45 P.R.00 FORM 5~~

~~Petition filed for Appointment of Personal Representative for the sole purpose of collecting damages for wrongful death. The Court being advised, now appoints \_\_\_\_\_ as Personal Representative of the Estate of \_\_\_\_\_, who died on \_\_\_\_\_, a resident of Lake County, Indiana, for the sole purpose of bringing~~

~~action for damages for wrongful death. Personal Representative files Oath and Bond, examined and approved. Letters ordered issued.~~

~~L.R.45 P.R.00 FORM 6~~

~~Personal Representative files Oath and Bond. Examined and approved. Letters ordered issued.~~

~~L.R.45 P.R.00 FORM 7~~

~~Inventory submitted showing personal property with a value of \$\_\_\_\_\_, and real property with a value of \$\_\_\_\_\_. Examined and approved.~~

~~L.R.45 P.R.00 FORM 8~~

~~Personal Representative files Petition to Sell Real Estate. Court sets hearing on Petition for \_\_\_\_\_, 199\_\_, at \_\_\_\_\_ a.m./p.m.~~

~~L.R.45 P.R.00 FORM 9~~

~~Due Notice, as provided by law, has been given. Evidence submitted. Court orders real estate sold.~~

~~L.R.45 P.R.00 FORM 10~~

~~Personal Representative files Petition to Sell Real Estate. All necessary waivers and consents filed. Evidence submitted. Court orders real estate sold.~~

~~L.R.45 P.R.00 FORM 11~~

~~Personal Representative files Report of Sale of Real Estate and Deed for approval. Evidence submitted. Court now approves Report of Sale and Personal Representative's Deed.~~

~~L.R.45 P.R.00 FORM 12~~

~~Schedule of All Property for Inheritance Tax Purposes filed. Referred for appraisement.~~

~~L.R.45 P.R.00 FORM 13~~

~~County Assessor files Report of Appraisers. State Tax Board and County Treasurer show Waiver of Notice. Submitted, examined and approved. Court now finds tax due in the amount of \$\_\_\_\_\_.~~

~~L.R.45 P.R.00 FORM 14~~

~~Personal Representative files Petition for Allowance of Personal Representative and Attorney Fees. Evidence submitted. Personal Representative fees allowed in the amount of \$\_\_\_\_\_, and Attorney's fees allowed in the amount of \$\_\_\_\_\_.~~

~~L.R.45 P.R.00 FORM 15~~

~~Personal Representative files Petition to Allow and Settle Final Account. Court sets hearing on Petition for \_\_\_\_\_, 199\_\_, at \_\_\_\_\_ a.m./ p.m.~~

~~L.R.45 P.R.00 FORM 16~~

~~Due Notice, as provided by law, has been given. The Final Account is hereby in all things approved, settled and confirmed. The distribution of assets, as set forth in the accounting has been made and is hereby approved. The Personal Representative is hereby released and discharged from any further liability or responsibility. Surety released and discharged. Estate ordered closed.~~

~~L.R.45 P.R.00 FORM 17~~

~~Due Notice, as provided by law, has been given. The Final Account is hereby in all things approved, settled and confirmed. The Personal Representative is hereby directed to make distribution as provided for in the Final Account and file Supplemental Report showing the distribution to have been made.~~

~~L.R.45 P.R.00 FORM 18~~

~~Personal Representative files Supplemental Report showing distribution has been made as provided in the Final Account. Petition examined and approved. The Court now orders Personal Representative discharged. Surety released and Estate ordered closed.~~

~~L.R.45 P.R.00 FORM 19~~

~~Personal Representative files Verified Closing Statement. Court sets \_\_\_\_\_, 199\_\_, at \_\_\_\_\_ a.m./p.m., as the last date for filing objections thereto.~~

~~L.R.45 P.R.00 FORM 20~~

~~This matter comes for hearing on the Verified Closing Statement previously filed herein, and there having been no objections filed thereto, the Court now orders the Estate closed.~~

~~L.R.45 P.R.00 FORM 21~~

~~Comes now \_\_\_\_\_ and files Petition for Transfer of Assets by Affidavit. Court being advised, now finds that the requirements of I.C. 29-1-8-1 have been satisfied. Court now orders transfer of assets by Affidavit.~~

~~L.R.45 P.R.00 FORM 22~~

~~Comes now \_\_\_\_\_, Attorney General of Indiana, by \_\_\_\_\_, Deputy Attorney General, and files appearance on behalf of Indiana Department of Revenue, Inheritance Tax Division, and also files Petition for Rehearing, Reappraisement and Redetermination of Inheritance and Transfer Tax. Court now sets hearing on the Petition for \_\_\_\_\_, 199\_\_, at \_\_\_\_\_ a.m./p.m.~~

**LAKE COUNTY RULES OF PROCEDURE APPLICABLE TO  
GUARDIANSHIP RULES**

L.R.45-P.R.00 Rule 39.

All probate rules and regulations promulgated by the Veterans Administration are hereby adopted as probate rules of the Court.

L.R.45-P.R.00 Rule 40.

Probate matters must be transacted with the Probate Commissioner. Only emergency matters may be submitted to the presiding Judge. Telephone calls or visits to the Probate Commissioner's private office should be kept at a minimum.

L.R.45-P.R.00 Rule 41.

Unless the Probate Clerk has sent the files to the Probate Commissioner, attorneys must obtain files from the Probate Clerk prior to submitting any matter to the Probate Commissioner.

L.R.45-P.R.00 Rule 42.

All petitions, of any nature or kind, in all matters, must be executed and verified by the Guardian or the Interested Party (Petitioner), and not by the Attorney.

L.R.45-P.R.00 Rule 43.

All Attorneys are required to prepare CCS Entry Forms showing each pleading filed, and setting forth all necessary matters for all proceedings.

L.R.45-P.R.00 Rule 44.

All Attorneys are required to prepare orders in a form approved by the Court (order per form or OPF) for all proceedings, except where expressly indicated to the contrary by the respective Probate Commissioner.

L.R.45-P.R.00 Rule 45.

Where matters are filed by mail, or left with the Court for filing, a self-addressed stamped envelope must be included for return of documents to the Attorney.

L.R.45-P.R.00 Rule 46.

Routine matters, such as Bonds, Inventories, and Status Reports, may be filed with the Probate Clerk for transmittal to the Probate Commissioner.

L.R.45-P.R.00 Rule 47.

Attorneys desiring to have the Court Reporter present for a hearing must make a written request for same ten (10) days in advance of the hearing. Hearings involving the Court Reporter shall be set subject to his or her availability.

L.R.45-P.R.00 Rule 48.

Any contested matters scheduled for hearing on a probate day shall take precedence over unscheduled business. Attorneys are encouraged to call the Court to find out when contested matters are routinely scheduled.

L.R.45-P.R.00 Rule 49.

The Attorney shall prepare any required notices and shall ensure that such notices are properly served in compliance with statutory requirements. The Attorney shall ascertain and provide adequate proof that notice was properly served prior to bringing a matter to the attention of the Probate Commissioner.

L.R.45-P.R.00 Rule 50.

Copies of petitions and accountings must be sent with all notices, where the hearing involved arises from the matters contained in the petition and/or accounting.

L.R.45-P.R.00 Rule 51.

Inventories must be filed in all temporary guardianships of the estate within thirty (30) days after appointment of the Guardian. For permanent guardianships of the estate, inventories must be filed within ninety (90) days after appointment of the Guardian.

L.R.45-P.R.00 Rule 52.

Attorneys must attend the hearings on current or final accounts on the date scheduled for such hearings. The Court may, in its discretion, require the attendance of the Guardian at all such hearings.

L.R.45-P.R.00 Rule 53.

Unless otherwise ordered by the Court, all accountings to the Court shall be accompanied by an affidavit stating that receipts are available for all disbursements contained in the accounting.

L.R.45-P.R.00 Rule 54.

Receipts for all final distributions must be filed with the final report or the supplemental report before discharge will be given by the Court.

L.R.45-P.R.00 Rule 55.

All accountings must follow the prescribed statutory format. Informal or handwritten accountings will not be accepted.

L.R.45-P.R.00 Rule 56.

The name and address of the Insurance Agency providing the corporate surety must be typed on all corporate bonds filed in any guardianship.

L.R.45-P.R.00 Rule 57.

In all contested matters, the Indiana Rules of Trial Procedure shall apply.

L.R.45-P.R.00 Rule 58.

Any petition for the allowance of fees, pursuant to the Fee Guidelines, for the Attorney and/or the Guardian shall set forth a description of the services performed and a calculation of the amount of the fee requested. At the time the petition is considered by the Court, the Attorney must be present. No fee request will be considered as a part of the final report or account in a guardianship proceeding. A separate petition must be filed requesting such fee determination. No fee shall be paid without the prior approval of the Court.

L.R.45-P.R.00 Rule 59.

Where contracts for legal services have been entered into prior or subsequent to the opening of a guardianship over the estate of an incapacitated individual without prior Court approval, or when a settlement has been reached and no Guardianship is required, the Court reserves the right to approve or disapprove the fee contracts consistent with fee guidelines and/or Court policy.

L.R.45-P.R.00 Rule 60.

Attorney and Guardian fees will not be determined or authorized for payment by the Court in guardianship proceedings over the person of the incapacitated individual.

L.R.45-P.R.00 Rule 61.

All deeds submitted to the Court for approval must be signed by the Guardian and the signature notarized prior to its submission. Copies of such deeds must be filed for the Court records.

L.R.45-P.R.00 Rule 62.

In all wrongful death proceedings, the Guardian must be present at the time the settlement, either partial and/or final, is presented to the Court for approval. The Court retains the right to require the presence of the minor, incapacitated person, or a Custodial parent at the time the settlement is presented to the Court for approval.

L.R.45-P.R.00 Rule 63.

All documents filed with the Court must comply with the requirements of Ind. Trial Rule 5(G) and Administrative Rule 9(G)(1).

L.R.45-P.R.00 Rule 64.

For good cause shown, the Court may waive any local procedural rule.

L.R.45-P.R.00 Rule 6546.

In all guardianship matters pertaining to declaring an adult incapacitated for any reasons, at a minimum, the Physician's Statement ~~an Affidavit~~ in a form acceptable to the Court, executed by the ~~Doctor~~ licensed physician treating the alleged incapacitated person, must be submitted at the time the petition is filed or on the hearing date. No determination will be made without the Physician's Statement and/or supporting medical testimony. (SEE ATTACHED FORM)

L.R.45-P.R.00 Rule 6647.

~~In all instances, a~~ bond shall be required equal to the sum of ~~to~~ the full extent of the value of the personal property of the protected person assets and one year's estimated income from all assets in the Guardianship. ~~No exceptions will be permitted.~~ Exceptions as provided by statute may be permitted, in the Court's discretion.



L.R.45-P.R.00 Rule 6748.

Where ~~an restricted account with expenditures restricted by Court order~~ has been created, an acknowledgment of or acquiescence to the restriction by the financial institution involved must be filed by the Guardian's Attorney within ten (10) days of the Court Order creating such an account.

L.R.45-P.R.00 Rule 6849.

Current reports filed by the Guardian must show the present whereabouts of the protected person and his/her general welfare.

L.R.45-P.R.00 Rule 6950.

All Guardian's aAccountings must contain a certification by an officer of a financial institution or the holding institution that the assets remaining in the guardianship which are in the charge, custody, or control of the holding institution, other than real estate, have been exhibited to said officer~~him~~, and that they correspond with what is shown in the recapitulation section of the accounting. (SEE ATTACHED FORMS ~~See attached forms~~)

~~L.R.45-P.R.00 Rule 51.~~

~~Where contracts for legal services have been entered into prior or subsequent to the opening of a Guardianship without prior Court approval, or when a settlement has been reached and no Guardianship is required, the Court reserves the right to approve or disapprove the fee contracts consistent with fee guidelines and/or Court policy.~~

L.R.45-P.R.00 Rule 7052.

All benefits and payments, such as Social Security benefits received on behalf of a protected person, must be included and accounted for in the Guardian's accountings unless excluded by prior order of the Court.

L.R.45-P.R.00 Rule 7153.

Neither the Guardian nor the Attorney shall take or receive any fees until the amount thereof has been approved by the Court.

L.R.45-P.R.00 Rule 7254.

An order ~~per form~~ in a form approved by the Court (order per form or OPF) must be submitted at the time of the appointment of a Guardian, detailing the duties, responsibilities and powers of the Guardian. Any limitation on the duties,

responsibilities and powers of the Guardian must be detailed on a separate schedule which is to be added shall be incorporated in or attached to the Letters of Guardianship.

~~L.R.45-P.R.00 Rule 55.~~

~~In the event an individual is appointed Guardian to handle the financial affairs of a protected person, the Guardian shall file his/her first current account within thirty (30) days after the first anniversary of the date on which the letters were issued.~~

~~L.R.45-P.R.00 Rule 7356.~~

~~A Guardian ad litem shall be appointed i~~In all instances in which the appointment of a Guardian is contested~~sought, a Guardian Ad Litem shall be appointed unless waived by law, or by the Court in the Court's discretion, or by the person for whom the appointment of a Guardian is sought, or if the alleged incapacitated person is represented by c~~Counsel.

## APPENDIX B

### ENTRY 1

~~\_\_\_\_\_ files Petition for Appointment of Guardian of \_\_\_\_\_, alleged incapacitated person. Court sets hearing on \_\_\_\_\_, 199\_\_\_\_, at \_\_\_\_\_ a.m./p.m. Court finds that (no) necessity exists for appointment of Guardian ad litem. \_\_\_\_\_ appointed Guardian ad litem and is ordered to qualify.~~

### ENTRY 2

~~Due Notice, as provided by law, has been given. Evidence submitted. Court finds \_\_\_\_\_ to be incapacitated as defined by law. Court appoints \_\_\_\_\_ Guardian of \_\_\_\_\_, the Protected Person with the powers and responsibilities set forth in its Order.~~

### ENTRY 3

~~\_\_\_\_\_ files Petition for Appointment of Guardian of \_\_\_\_\_, alleged incapacitated person. All necessary consents and/or waivers filed and approved. Evidence submitted. Court finds no necessity exists for appointment of Guardian ad litem and further that \_\_\_\_\_ is incapacitated as defined by law. Court appoints \_\_\_\_\_ Guardian of the Protected Person, with the powers and responsibilities set forth in its Order.~~

### ENTRY 4

~~Guardian files Oath and Bond. Examined and approved. Letters ordered issued with the powers and responsibilities set forth in its Order of Appointment.~~

### ENTRY 5

~~Proof of restrictions on withdrawal of assets having been filed, Court waives accounting and orders certification of deposit to be filed every two years in lieu thereof.~~

### ENTRY 6

~~Inventory submitted showing personal property with a value of \$\_\_\_\_\_ and real property with a value of \$\_\_\_\_\_. Examined and approved.~~

### ENTRY 7

~~Guardian files Petition to Sell Real Estate. Evidence submitted. Court orders real estate sold.~~

~~ENTRY 8~~

~~Guardian files Report of Sale of Real Estate and Deed for approval. Evidence submitted. Court now approves Report of Sale and Guardian's Deed.~~

~~ENTRY 9~~

~~Guardian files Current Accounting for the period from \_\_\_\_\_ to \_\_\_\_\_, Evidence submitted. Court now approves Current Accounting.~~

~~ENTRY 10~~

~~Guardian files Petition for Allowance of Attorney Fees. Evidence submitted. Attorney fees allowed in the amount of \$\_\_\_\_\_.~~

~~ENTRY 11~~

~~Guardian files Petition to allow and settle Final Account. The Final Account is approved, settled and confirmed. The distribution of assets, as set forth in the Accounting has been made and is hereby approved. The Guardian is hereby released and discharged from any further liability or responsibility. Surety released and discharged. Guardianship ordered closed.~~

~~ENTRY 12~~

~~Guardian files Petition to allow and settle Final Account. The Final Account is approved, settled and confirmed. The Guardian is hereby directed to make distribution as provided for in the Final Account and file Supplemental Report showing the distribution to have been made.~~

~~ENTRY 13~~

~~Guardian files Supplemental Report showing distribution has been made as provided in the Final Account. Petition examined and approved. The Court now orders Guardian discharged. Surety released and Guardianship ordered closed.~~

## GUARDIANSHIP FORMS

### FORM A. ACCOUNT VERIFICATION

#### ACCOUNT VERIFICATION

TO: \_\_\_\_\_

FROM: \_\_\_\_\_  
Guardian's Name

RE: Guardianship of \_\_\_\_\_

In order to comply with the rules of the Probate Court, I am required to file a Certification of Account Balances.

Please certify the balances and names on the accounts I have listed below, as of \_\_\_\_\_, 2199\_\_\_\_\_.

Dated: \_\_\_\_\_

Guardian: \_\_\_\_\_  
Guardian's Name

#### FOR BANK USE ONLY:

I certify that on \_\_\_\_\_, 2199\_\_\_\_, the last day of the period covered by this accounting, there was

on deposit in this institution to the credit of the Guardian, the following balance:

<u>NAME ON ACCOUNT</u>	<u>ACCOUNT NUMBER</u>	<u>BALANCE</u>	<u>DATE</u>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

Name and Address of Institution:

Signature of Certifying Officer:

\_\_\_\_\_

Signature

\_\_\_\_\_

Title

\_\_\_\_\_

Date

~~FORM 21~~—FORM B. CERTIFICATE OF INVESTMENT

CERTIFICATE OF INVESTMENT

KIND OF SECURITY	INTEREST RATE	DATE OF ACQUISITION	FACE VALUE	GUARDIANSHIP VALUE
------------------	------------------	------------------------	---------------	-----------------------

I certify that the securities listed  
herein were exhibited to me by the  
Guardian, \_\_\_\_\_,

as being the property of the Protected  
Person and in the custody of the  
Guardian.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature and Title of Certifying Officer

\_\_\_\_\_  
Name and Address of Institution

**FORM 22—FORM C. PHYSICIAN'S REPORT**

**PHYSICIAN'S REPORT**

\_\_\_\_\_, a physician holding an unlimited license to practice medicine in the State of Indiana, submits the following report on \_\_\_\_\_, "Patient", based upon examination of Patient.

1. Set forth the dates of all examinations of the Patient within the last one (1) year from the date hereof.

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2. In your opinion, based upon your examination and observation of the Patient, is the Patient incapacitated? If so, describe the nature and type of incapacity.

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3. In your opinion, based upon your examination and observation of the Patient, how long has the Patient been incapacitated?

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4. Describe the Patient's mental and physical condition; and, if appropriate, describe the Patient's educational condition, adaptive behavior and social skills.

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5. In your opinion, is the Patient totally or only partially incapable of making personal and financial decisions? And, if the latter, state the kinds of decisions which the Patient can and cannot make. Include the reason for this opinion.

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6. In your opinion, what is the most appropriate living arrangement for the Patient? And, if applicable, describe the most appropriate treatment or rehabilitation plan. Include the reasons for your opinion.

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7. Can the Patient appear in Court without injury to his/her health? ☐ Yes ☐ No

If the answer is no, explain the medical reasons for your answer.

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8. Is the Patient capable of consenting to the appointment of a Guardian? ☐ Yes ☐ No

9. Is the nature of the Patient's incapacity such that it prevents the Patient from making a knowing and voluntary Waiver of Notice? ☐ Yes ☐ No

10. In your opinion, is a Guardian needed to care for the Patient? ☐ Yes ☐ No

If a Guardian is needed, is one needed for personal or financial needs, or both?

☐ Personal ☐ Financial ☐ Both

I affirm, under the penalties of perjury, to the best of my knowledge and belief.  
the above and foregoing is true and correct

Signed: \_\_\_\_\_  
Address: \_\_\_\_\_  
\_\_\_\_\_  
Telephone: \_\_\_\_\_  
Dated: \_\_\_\_\_

If the description of the Patient's mental, physical and educational condition, adaptive behavior or social skills is based on evaluations by other professionals, please provide the names and addresses of all professionals who are able to provide additional

evaluations. Evaluations on which the report is based should have been performed within three (3) months of the date of the filing of the Petition.

Names and addresses of other persons who performed evaluations upon which this report is based:

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
\_\_\_\_\_  
Telephone: \_\_\_\_\_  
\_\_\_\_\_  
  
Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
\_\_\_\_\_  
Telephone: \_\_\_\_\_  
\_\_\_\_\_

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## **LAKE COUNTY RULES OF PROCEDURE APPLICABLE TO ESTATES**

### **L.R.45-P.R.00 Rule 1.**

All probate rules and regulations promulgated by the Veterans Administration are hereby adopted as probate rules of the Court.

### **L.R.45-P.R.00 Rule 2.**

Probate matters must be transacted with the Probate Commissioner. Only emergency matters may be submitted to the presiding Judge. Telephone calls or visits to the Probate Commissioner's private office should be kept at a minimum.

### **L.R.45-P.R.00 Rule 3.**

Unless the Probate Clerk has sent the files to the Probate Commissioner, Attorneys must obtain files from the Probate Clerk prior to submitting any matter to the Probate Commissioner.

### **L.R.45-P.R.00 Rule 4.**

All petitions, of any nature or kind, in all matters, must be executed and verified by the Personal Representative, the Trustee, or the Interested Party (Petitioner), and not by the Attorney.

### **L.R.45-P.R.00 Rule 5.**

All Attorneys are required to prepare CCS Entry Forms showing each pleading filed, and setting forth all necessary matters for all proceedings.

### **L.R.45-P.R.00 Rule 6.**

All Attorneys are required to prepare orders in a form approved by the Court (order per form or OPF) for all proceedings, except where expressly indicated to the contrary by the respective Probate Commissioner.

### **L.R.45-P.R.00 Rule 7.**

Where matters are filed by mail, or left with the Court for filing, a self-addressed stamped envelope must be included for return of documents to the Attorney.

### **L.R.45-P.R.00 Rule 8.**

Routine matters, such as Inventories, Proofs of Publication, Inheritance Tax Returns, Affidavits of No Inheritance Tax Due, Closing Statements, and Final Reports, may be filed with the Probate Clerk for transmittal to the Probate Commissioner.

L.R.45-P.R.00 Rule 9.

Attorneys desiring to have the Court Reporter present for a hearing must make a written request for same ten (10) days in advance of the hearing. Hearings involving the Court Reporter shall be set subject to his or her availability.

L.R.45-P.R.00 Rule 10.

Any contested matters scheduled for hearing on a probate day shall take precedence over unscheduled business. Attorneys are encouraged to call the Court to find out when contested matters are routinely scheduled.

L.R.45-P.R.00 Rule 11.

The Attorney shall prepare any required notices and shall ensure that such notices are properly served in compliance with statutory requirements. The Attorney shall ascertain and provide adequate proof that notice was properly served prior to bringing a matter to the attention of the Probate Commissioner.

L.R.45-P.R.00 Rule 12.

Copies of petitions and accountings must be sent with all notices, where the hearing involved arises from the matters contained in the petition and/or accounting.

L.R.45-P.R.00 Rule 13.

An inventory must be filed in all supervised estates within sixty (60) days after appointment of the Personal Representative. An inventory is not required to be filed in an unsupervised estate.

L.R.45-P.R.00 Rule 14.

Attorneys must attend the hearings on current or final accounts on the date scheduled for such hearings. The Court may, in its discretion, require the attendance of the Personal Representative or Trustee at all such hearings.

L.R.45-P.R.00 Rule 15.

Unless otherwise ordered by the Court, all accountings to the Court shall be accompanied by an affidavit stating that receipts are available for all disbursements contained in the accounting.

L.R.45-P.R.00 Rule 16.

Receipts for all final distributions must be filed with the final report or the supplemental report before discharge will be given by the Court.

L.R.45-P.R.00 Rule 17.

All accountings must follow the prescribed statutory format. Informal or handwritten accountings will not be accepted.

L.R.45-P.R.00 Rule 18.

The name and address of the Insurance Agency providing the corporate surety must be typed on all corporate bonds filed in any estate.

L.R.45-P.R.00 Rule 19.

In all contested matters, the Indiana Rules of Trial Procedure shall apply.

L.R.45-P.R.00 Rule 20.

In a supervised estate, any petition for the allowance of fees, pursuant to the Fee Guidelines, for the Attorney and/or the Personal Representative shall set forth a description of the services performed and a calculation of the amount of the fee requested. At the time the petition is considered by the Court, the Attorney must be present. No fee request will be considered as a part of the final report or account in a supervised estate. A separate petition must be filed requesting such fee determination. No fee shall be paid without the prior approval of the Court. No Attorney or Personal Representative fees will be authorized for payment until the estate is substantially settled.

L.R.45-P.R.00 Rule 21.

Where contracts for legal services have been entered into prior or subsequent to the opening of, or conversion to, a supervised estate without prior Court approval, the Court reserves the right to approve or disapprove the fee contracts consistent with fee guidelines and/or Court policy.

L.R.45-P.R.00 Rule 22.

Attorney and Personal Representative fees will not be determined or authorized for payment by the Court in an unsupervised estate.

L.R.45-P.R.00 Rule 23.

Unless otherwise stated in the decedent's Last Will and Testament, any Attorney or Personal Representative fees determined to be due by reason of non-probate assets shall be assessed against the recipients of the non-probate assets.

L.R.45-P.R.00 Rule 24.

All deeds submitted to the Court for approval must be signed by the Personal Representative and the signature notarized prior to its submission. Copies of such deeds must be filed for the Court records.

L.R.45-P.R.00 Rule 25.

In all wrongful death proceedings, the Personal Representative must be present at the time the settlement, either partial and/or final, is presented to the Court for approval.

L.R.45-P.R.00 Rule 26.

All documents filed with the Court must comply with the requirements of Ind. Trial Rule 5(G) and Administrative Rule 9(G)(1).

L.R.45-P.R.00 Rule 27.

For good cause shown, the Court may waive any local procedural rule.

L.R.45-P.R.00 Rule 28.

When required by law, all Wills must be admitted to Probate unless filed with the Clerk pursuant to Ind. Code § 29-1-7-3.1, as amended.

L.R. 45-P.R.00 Rule 29.

Bond procedures for Estates:

- a. If the decedent's Will provides for no bond, the Court may honor the request unless otherwise required by statute;
- b. If all heirs request no bond or a minimal bond, the Court may honor such request unless otherwise required by statute;
- c. In all instances, upon petition by an interested person, the Court may require a bond to protect creditors, heirs, legatees, or devisees;
- d. In all other situations, the Court will determine and set the amount of the bond and in no event shall it be less than that required to protect creditors and taxing authorities;
- e. Personal surety must meet the requirements of Ind. Code § 29-1-11-5;

f. No Attorney will be accepted as personal surety on any bond required to be filed in Court.

L.R.45-P.R.00 Rule 30.

Where an account with expenditures restricted by Court Order has been created, an acknowledgment of or acquiescence to the restriction by the financial institution involved must be filed by the Personal Representative's Attorney within ten (10) days of the Court Order creating such an account.

L.R.45-P.R.00 Rule 31.

Three (3) months and fifteen (15) days after the date of the first published notice to creditors, the Personal Representative, or the Personal Representative's Attorney, must allow or disallow each claim filed against the estate.

L.R.45-P.R.00 Rule 32.

If an estate cannot be closed, the Personal Representative must report the condition of the estate to the Court one (1) year after the date of the Personal Representative's appointment, and thereafter every year until the estate is fully administered.

L.R.45-P.R.00 Rule 33.

Inheritance Tax Returns, with all required attachments, must be filed in triplicate. Proposed Orders Determining Inheritance Tax Due must be filed in quadruplicate at the time of determination of the tax.

L.R.45-P.R.00 Rule 34.

The Federal Estate Tax closing letter and/or the countersigned receipt, or a photocopy thereof, showing payment of the Federal Estate and/or Indiana inheritance tax liability in the estate must be filed with the Final Report or the Supplemental Report.

L.R.45-P.R.00 Rule 35.

Proof of publication of all notices required to be published shall be filed with the Court by the Attorney for the estate. It is the Attorney's responsibility to ensure that publication was timely made, and proof thereof is properly filed with the Court.

L.R.45-P.R.00 Rule 36.

The Court shall have no involvement, other than for opening, closing and determining Indiana inheritance tax due in an unsupervised estate. If the

jurisdiction of the Court is invoked for any other matter, the administration shall become a supervised administration from there on for all remaining matters.

L.R.45-P.R.00 Rule 37.

When a verified closing statement has been filed, an affidavit executed by the Personal Representative stating that no proceedings are pending shall be filed with the Court upon the expiration of the three (3) month statutory waiting period.

L.R.45-P.R.00 Rule 38.

If the Personal Representative has filed a claim in the estate, the claim may be allowed by the Court if all interested parties have consented. In the event the consents have not been obtained, a special administrator shall be appointed and a hearing on the claim will be held as prescribed by statute.

## LAKE COUNTY RULES OF PROCEDURE APPLICABLE TO GUARDIANSHIPS

### L.R.45-P.R.00 Rule 39.

All probate rules and regulations promulgated by the Veterans Administration are hereby adopted as probate rules of the Court.

### L.R.45-P.R.00 Rule 40.

Probate matters must be transacted with the Probate Commissioner. Only emergency matters may be submitted to the presiding Judge. Telephone calls or visits to the Probate Commissioner's private office should be kept at a minimum.

### L.R.45-P.R.00 Rule 41.

Unless the Probate Clerk has sent the files to the Probate Commissioner, attorneys must obtain files from the Probate Clerk prior to submitting any matter to the Probate Commissioner.

### L.R.45-P.R.00 Rule 42.

All petitions, of any nature or kind, in all matters, must be executed and verified by the Guardian or the Interested Party (Petitioner), and not by the Attorney.

### L.R.45-P.R.00 Rule 43.

All Attorneys are required to prepare CCS Entry Forms showing each pleading filed, and setting forth all necessary matters for all proceedings.

### L.R.45-P.R.00 Rule 44.

All Attorneys are required to prepare orders in a form approved by the Court (order per form or OPF) for all proceedings, except where expressly indicated to the contrary by the respective Probate Commissioner.

### L.R.45-P.R.00 Rule 45.

Where matters are filed by mail, or left with the Court for filing, a self-addressed stamped envelope must be included for return of documents to the Attorney.

### L.R.45-P.R.00 Rule 46.

Routine matters, such as Bonds, Inventories, and Status Reports, may be filed with the Probate Clerk for transmittal to the Probate Commissioner.

L.R.45-P.R.00 Rule 47.

Attorneys desiring to have the Court Reporter present for a hearing must make a written request for same ten (10) days in advance of the hearing. Hearings involving the Court Reporter shall be set subject to his or her availability.

L.R.45-P.R.00 Rule 48.

Any contested matters scheduled for hearing on a probate day shall take precedence over unscheduled business. Attorneys are encouraged to call the Court to find out when contested matters are routinely scheduled.

L.R.45-P.R.00 Rule 49.

The Attorney shall prepare any required notices and shall ensure that such notices are properly served in compliance with statutory requirements. The Attorney shall ascertain and provide adequate proof that notice was properly served prior to bringing a matter to the attention of the Probate Commissioner.

L.R.45-P.R.00 Rule 50.

Copies of petitions and accountings must be sent with all notices, where the hearing involved arises from the matters contained in the petition and/or accounting.

L.R.45-P.R.00 Rule 51.

Inventories must be filed in all temporary guardianships of the estate within thirty (30) days after appointment of the Guardian. For permanent guardianships of the estate, inventories must be filed within ninety (90) days after appointment of the Guardian.

L.R.45-P.R.00 Rule 52.

Attorneys must attend the hearings on current or final accounts on the date scheduled for such hearings. The Court may, in its discretion, require the attendance of the Guardian at all such hearings.

L.R.45-P.R.00 Rule 53.

Unless otherwise ordered by the Court, all accountings to the Court shall be accompanied by an affidavit stating that receipts are available for all disbursements contained in the accounting.



L.R.45-P.R.00 Rule 54.

Receipts for all final distributions must be filed with the final report or the supplemental report before discharge will be given by the Court.

L.R.45-P.R.00 Rule 55.

All accountings must follow the prescribed statutory format. Informal or handwritten accountings will not be accepted.

L.R.45-P.R.00 Rule 56.

The name and address of the Insurance Agency providing the corporate surety must be typed on all corporate bonds filed in any guardianship.

L.R.45-P.R.00 Rule 57.

In all contested matters, the Indiana Rules of Trial Procedure shall apply.

L.R.45-P.R.00 Rule 58.

Any petition for the allowance of fees, pursuant to the Fee Guidelines, for the Attorney and/or the Guardian shall set forth a description of the services performed and a calculation of the amount of the fee requested. At the time the petition is considered by the Court, the Attorney must be present. No fee request will be considered as a part of the final report or account in a guardianship proceeding. A separate petition must be filed requesting such fee determination. No fee shall be paid without the prior approval of the Court.

L.R.45-P.R.00 Rule 59.

Where contracts for legal services have been entered into prior or subsequent to the opening of a guardianship over the estate of an incapacitated individual without prior Court approval, or when a settlement has been reached and no Guardianship is required, the Court reserves the right to approve or disapprove the fee contracts consistent with fee guidelines and/or Court policy.

L.R.45-P.R.00 Rule 60.

Attorney and Guardian fees will not be determined or authorized for payment by the Court in guardianship proceedings over the person of the incapacitated individual.

L.R.45-P.R.00 Rule 61.

All deeds submitted to the Court for approval must be signed by the Guardian and the signature notarized prior to its submission. Copies of such deeds must be filed for the Court records.

L.R.45-P.R.00 Rule 62.

In all wrongful death proceedings, the Guardian must be present at the time the settlement, either partial and/or final, is presented to the Court for approval. The Court retains the right to require the presence of the minor, incapacitated person, or a Custodial parent at the time the settlement is presented to the Court for approval.

L.R.45-P.R.00 Rule 63.

All documents filed with the Court must comply with the requirements of Ind. Trial Rule 5(G) and Administrative Rule 9(G)(1).

L.R.45-P.R.00 Rule 64.

For good cause shown, the Court may waive any local procedural rule.

L.R.45-P.R.00 Rule 65.

In all guardianship matters pertaining to declaring an adult incapacitated for any reason, at a minimum, the Physician's Statement in a form acceptable to the Court, executed by the licensed physician treating the alleged incapacitated person, must be submitted at the time the petition is filed or on the hearing date. No determination will be made without the Physician's Statement and/or supporting medical testimony. (SEE ATTACHED FORM)

L.R.45-P.R.00 Rule 66.

A bond shall be required equal to the sum of the full value of the personal property of the protected person and one year's estimated income from all assets in the Guardianship. Exceptions as provided by statute may be permitted, in the Court's discretion.

L.R.45-P.R.00 Rule 67.

Where an account with expenditures restricted by Court order has been created, an acknowledgment of or acquiescence to the restriction by the financial institution involved must be filed by the Guardian's Attorney within ten (10) days of the Court Order creating such an account.

L.R.45-P.R.00 Rule 68.

Current reports filed by the Guardian must show the present whereabouts of the protected person and his/her general welfare.

L.R.45-P.R.00 Rule 69.

All Guardian's accountings must contain a certification by an officer of a financial institution or the holding institution that the assets remaining in the guardianship which are in the charge, custody, or control of the holding institution, other than real estate, have been exhibited to said officer, and that they correspond with what is shown in the recapitulation section of the accounting. (SEE ATTACHED FORMS)

L.R.45-P.R.00 Rule 70.

All benefits and payments, such as Social Security benefits received on behalf of a protected person, must be included and accounted for in the Guardian's accountings unless excluded by prior order of the Court.

L.R.45-P.R.00 Rule 71.

Neither the Guardian nor the Attorney shall take or receive any fees until the amount thereof has been approved by the Court.

L.R.45-P.R.00 Rule 72.

An order in a form approved by the Court (order per form or OPF) must be submitted at the time of the appointment of a Guardian, detailing the duties, responsibilities and powers of the Guardian. Any limitation on the duties, responsibilities and powers of the Guardian must be detailed on a separate schedule which shall be incorporated in or attached to the Letters of Guardianship.

L.R.45-P.R.00 Rule 73.

In all instances in which the appointment of a Guardian is contested, a Guardian Ad Litem shall be appointed unless waived by law, or by the Court in the Court's discretion, or if the alleged incapacitated person is represented by counsel.

# GUARDIANSHIP FORMS

## FORM A. ACCOUNT VERIFICATION

### ACCOUNT VERIFICATION

TO: \_\_\_\_\_

FROM: \_\_\_\_\_  
Guardian's Name

RE: Guardianship of \_\_\_\_\_

In order to comply with the rules of the Probate Court, I am required to file a Certification of Account Balances.

Please certify the balances and names on the accounts I have listed below, as of \_\_\_\_\_, 2\_\_\_\_.

Dated: \_\_\_\_\_

Guardian: \_\_\_\_\_  
Guardian's Name

#### FOR BANK USE ONLY:

I certify that on \_\_\_\_\_, 2\_\_\_\_, the last day of the period covered by this accounting, there was on deposit

in this institution to the credit of the Guardian, the following balance:

<u>NAME ON ACCOUNT</u>	<u>ACCOUNT NUMBER</u>	<u>BALANCE</u>	<u>DATE</u>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

Name and Address of Institution:

Signature of Certifying Officer:

\_\_\_\_\_

\_\_\_\_\_  
Signature

\_\_\_\_\_

\_\_\_\_\_  
Title

\_\_\_\_\_

\_\_\_\_\_  
Date

## FORM B. CERTIFICATE OF INVESTMENT

### CERTIFICATE OF INVESTMENT

KIND OF SECURITY	INTEREST RATE	DATE OF ACQUISITION	FACE VALUE	GUARDIANSHIP VALUE
------------------	------------------	------------------------	---------------	-----------------------

I certify that the securities listed  
herein were exhibited to me by the  
Guardian, \_\_\_\_\_,

as being the property of the Protected  
Person and in the custody of the  
Guardian.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature and Title of Certifying Officer

\_\_\_\_\_  
Name and Address of Institution

## FORM C. PHYSICIAN'S REPORT

### PHYSICIAN'S REPORT

\_\_\_\_\_, a physician holding an unlimited license to practice medicine in the State of Indiana, submits the following report on \_\_\_\_\_, "Patient", based upon examination of Patient.

1. Set forth the dates of all examinations of the Patient within the last one (1) year from the date hereof.

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2. In your opinion, based upon your examination and observation of the Patient, is the Patient incapacitated? If so, describe the nature and type of incapacity.

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3. In your opinion, based upon your examination and observation of the Patient, how long has the Patient been incapacitated?

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4. Describe the Patient's mental and physical condition; and, if appropriate, describe the Patient's educational condition, adaptive behavior and social skills.

---

---

---

5. In your opinion, is the Patient totally or only partially incapable of making personal and financial decisions? And, if the latter, state the kinds of decisions which the

Patient can and cannot make. Include the reason for this opinion.

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6. In your opinion, what is the most appropriate living arrangement for the Patient? And, if applicable, describe the most appropriate treatment or rehabilitation plan. Include the reasons for your opinion.

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---

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7. Can the Patient appear in Court without injury to his/her health? ☐ Yes ☐ No

If the answer is no, explain the medical reasons for your answer.

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---

---

8. Is the Patient capable of consenting to the appointment of a Guardian? ☐ Yes ☐ No

9. Is the nature of the Patient's incapacity such that it prevents the Patient from making a knowing and voluntary Waiver of Notice? ☐ Yes ☐ No

10. In your opinion, is a Guardian needed to care for the Patient? ☐ Yes ☐ No

If a Guardian is needed, is one needed for personal or financial needs, or both?

☐ Personal ☐ Financial ☐ Both

I affirm, under the penalties of perjury, to the best of my knowledge and belief.  
the above and foregoing is true and correct

Signed: \_\_\_\_\_  
Address: \_\_\_\_\_  
\_\_\_\_\_  
Telephone: \_\_\_\_\_  
Dated: \_\_\_\_\_

If the description of the Patient's mental, physical and educational condition, adaptive behavior or social skills is based on evaluations by other professionals, please provide the names and addresses of all professionals who are able to provide additional

evaluations. Evaluations on which the report is based should have been performed within three (3) months of the date of the filing of the Petition.

Names and addresses of other persons who performed evaluations upon which this report is based:

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
\_\_\_\_\_  
Telephone: \_\_\_\_\_  
\_\_\_\_\_  
Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
\_\_\_\_\_  
Telephone: \_\_\_\_\_

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~~APPENDIX C — ATTORNEY FEE GUIDELINES PROBATE~~MAXIMUM  
PROBATE FEE GUIDELINES AND RULES

**Attorney Fee Guidelines**

~~INTRODUCTION~~[FN1]

~~Although fee guidelines have been promulgated by the Court for Probate and Guardianship matters~~Although the Court has promulgated fee guidelines for Probate and Guardianship matters, it is important that certain criteria be called to your attention as they pertain to these guidelines.

The existence of these guidelines does not assure that all fees allowed by the Court will adhere to them. ~~Other factors must be considered by the Attorney and his, or her, Client~~The Attorney and his, or her, Client, must consider other factors. These same factors will also be considered by the Court in making its determinationThe Court in making its determination will also consider these same factors.

The criteria to be considered include the following:

A. The time and labor required; the novelty, complexity, or difficulty of the questions involved; and, the skill required to perform the services properly. This shall include a determination as to how much of the Attorney's time was devoted to legal matters and how much of it was devoted to ministerial functions.;

B. The nature and extent of the responsibilities assumed by the Attorney, and the results obtained. Included herein are considerations such as~~of~~ the identity of the Personal Representative, and his/her level of expertise in administering an estate; and the character of the probate assets; and, the character of any non- probate transferred assets transferred.;

C. The sufficiency of assets properly available to pay for legal services. Inherent herein is whether the Attorney's duties are expanded by the existence of non-probate assets because of their inclusion for tax purposes, both federal and state.;

D. The timeliness with which the necessary services are performed consistent with statutory requirements, the Court's Rules of Procedure, and the Rules of Professional Conduct applicable thereto.

In considering all of these factors, Attorneys are urged to discuss their fee and that of the Personal Representative or Guardian at the time they are retained in all Probate and Guardianship matters.



**MAXIMUM FEE GUIDELINES AND RULES:**  
**SUPERVISED ESTATE ADMINISTRATION—ESTATES**

**ATTORNEY FEES**

**A. Regular Supervised Administration**

Supervised Administration shall include, but not be limited to, the following activities on the part of the Attorney: proper petition and documents to open estate and commence probate; preparation and filing of an inventory; determining, locating and administering estate assets; preparation and filing of Indiana Inheritance Tax Return or appropriate Affidavit; proper petition and documents to close estate.

**1. Estate Gross Value of \$200,000 or less:**

	<u>Flat Fee</u>	<u>Percentage</u>
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Basic	\$ <del>800</del> <u>\$1,000.00</u>	
Gross value of estate		6%
Sale of real estate	\$ <del>600</del> <u>\$ 750.00</u>	

All other services, \$125 per hour, if assets warrant [FN\*]

**Extraordinary services**

A proper petition for fees for extraordinary service must be submitted, at the attorney's customary hourly rate, to be reviewed in light of all circumstances.

Fees will be computed on an hourly basis only for extraordinary services or for services not specified above. Fee petitions requesting extraordinary fees must set forth services rendered with specificity, including the amount of time required to perform these services.

**2. Estate Gross Value in Excess of ~~Over~~ \$200,000:**

Gross estate up to \$200,000	6%
\$200,000 to \$400,000	4%
\$400,000 to \$800,000	3%

Over \$800,000 2%

Sale of real estate \$600  
\$ 750.00

Federal Estate Tax Return, basic fee to be charged, but only if the attorney drafted and signed the return as the actual preparer \$1,500  
\$2,500.00

Federal Estate Tax assets which exceed assets in Inheritance Tax Schedule 1%

~~All other services, \$125 per hour, if assets warrant [FN\*]~~

**Extraordinary services**

A proper petition for fees for extraordinary service must be submitted, at the attorney's customary hourly rate, to be reviewed in light of all circumstances.

Fees will be computed on an hourly basis only for extraordinary services or for services not specified above. Fee petitions requesting extraordinary fees must set forth services rendered with specificity, including the amount of time required to perform these services.

**B. Wrongful Death Administration**

If settled before trial 33 1/3%  
If ~~trial~~tried 40%  
If appealed 50%

~~[FN\*] Fees will be computed on an hourly basis only for extraordinary services or for services not specified above. Fee petitions requesting extraordinary fees must set forth services rendered with specificity, including the amount of time required to perform these services.~~

**Note:** When a contract for legal services has been entered into prior or subsequent to the opening of an Estate, and/or when a settlement has been reached, the Court reserves the right to approve or disapprove such fee contract consistent with fee guidelines and/or court policy.

## **PERSONAL REPRESENTATIVE FEES**

**A. Non-professional:** ~~One third (1/3) of the attorney fee. If unusual services add at \$10 per hour if assets warrant.~~

An amount equal to 33 1/3% of the amount of the attorney's fees approved by the Court.

**B. Professional:**  
Their applicable reasonable rate, to be reviewed in light of all circumstances.

~~The total fees allowed to the Personal Representative and attorney shall not exceed ten percent (10%) of the decedent's gross estate.~~

**C. Extraordinary services**  
A proper petition for fees for extraordinary services must be submitted, at the attorney's customary hourly rate, to be reviewed in light of all circumstances.

Fee petitions requesting extraordinary fees must set forth services rendered with specificity, including the amount of time required to perform these services.

The total fees allowed to the Personal Representative and attorney shall not exceed ten percent (10%) of the decedent's gross estate.

All fees are subject to the discretion of the Judge/Probate Commissioner.

**MAXIMUM FEE GUIDELINES AND RULES:**  
**UNSUPERVISED ESTATE ADMINISTRATION**

The Court will not determine fees in Unsupervised Estate Administration matters.

If the estate is converted to Supervised Administration, the Fee Guidelines and Rules with regard to Supervised Estate Administration shall control.

**MAXIMUM FEE GUIDELINES AND RULES—GUARDIANSHIP**  
**MAXIMUM FEE GUIDELINES AND RULES:**  
**GUARDIANSHIPS OVER THE ESTATE OF AN**  
**INCAPACITATED ADULT OR MINOR**

**ATTORNEY FEES**

**A. Administration of Guardianship Over an Estate**

Administration of a Guardianship over an estate shall include, but not be limited to, the following activities on the part of the Attorney: proper petition and documents to open uncontested guardianship; preparation and filing of an inventory; determining, locating and administering guardianship assets; preparation and filing of status reports; proper petition and documents to close guardianship administration.

	<u>Flat Fee</u>
Appointment of Guardian (plus inventory)(Uncontested Hearing)	\$625 \$1,000.00
<u>Inventory</u>	\$ 350.00
Biennial Current Report	—\$500 \$ 750.00
<u>Status Report</u>	\$ 250.00
Sale of Real Estate	—\$600 \$ 750.00
<u>Other Petitions</u>	—\$250 \$ 500.00
Final Report and closing of Guardianship (without preparation of an accounting)	\$500.00
<u>Final Report and closing of Guardianship</u> (with preparation of an accounting)	\$1,500.00
All other services, at \$125 per hour, if assets warrant [FN*]	

~~[FN\*] Fees will be computed on an hourly basis only for extraordinary services or for services not specified above. Fee petitions requesting extraordinary fees must set forth services rendered with specificity, including the amount of time required to perform these services.~~

**B. Extraordinary services**

A proper petition for fees for extraordinary services must be submitted, at the attorney's customary hourly rate, to be reviewed in light of all circumstances.

Fee petitions requesting extraordinary fees must set forth services rendered with specificity, including the amount of time required to perform these services.

**Note:** When a contract for legal services has been entered into prior or subsequent to the opening of a Guardianship, and/or when a settlement has been reached and no Guardianship is required, the Court reserves the right to approve or disapprove such fee contracts consistent with fee guidelines and/or Court policy.

**GUARDIAN FEES**

**A. Non-Professional:**

The greater of five percent (5%) of the income derived (excluding original assets; sale of assets; exchange of assets);

OR

One-half of one percent (.005%) of the gross estate per annum.

~~If unusual services, add at \$10.00 per hour if assets warrant.~~

**B. Professional:**

Their applicable reasonable rate to be reviewed in light of all circumstances.

**C. Extraordinary services**

A proper petition for fees for extraordinary services must be submitted, at the attorney's customary hourly rate, to be reviewed in light of all circumstances.

Fee petitions requesting extraordinary fees must set forth services rendered with specificity, including the amount of time required to perform these services.

All fees are subject to the discretion of the Judge/Probate Commissioner.

**MAXIMUM FEE GUIDELINES AND RULES:**  
**GUARDIANSHIPS OVER THE PERSON OF AN**  
**INCAPACITATED ADULT OR MINOR**

The Court will not determine fees in matters concerning the Guardianship over the person of an incapacitated adult or minor.

**MAXIMUM FEE GUIDELINES AND RULES:--TRUSTS**

The Court will not determine fees ~~Fees will not be determined by the Court in~~ Trust matters, other than at the discretion of the Court for services actually rendered in Court proceedings.

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## MAXIMUM PROBATE FEE GUIDELINES AND RULES

### Attorney Fee Guidelines

#### INTRODUCTION

Although the Court has promulgated fee guidelines for Probate and Guardianship matters, it is important that certain criteria be called to your attention as they pertain to these guidelines.

The existence of these guidelines does not assure that all fees allowed by the Court will adhere to them. The Attorney and his, or her, Client, must consider other factors. The Court in making its determination will also consider these same factors.

The criteria to be considered include the following:

- A. The time and labor required; the novelty, complexity, or difficulty of the questions involved; and, the skill required to perform the services properly. This shall include a determination as to how much of the Attorney's time was devoted to legal matters and how much of it was devoted to ministerial functions.
- B. The nature and extent of the responsibilities assumed by the Attorney, and the results obtained. Included herein are considerations such as the identity of the Personal Representative, and his/her level of expertise in administering an estate; the character of the probate assets; and, the character of any non- probate assets transferred.
- C. The sufficiency of assets properly available to pay for legal services. Inherent herein is whether the Attorney's duties are expanded by the existence of non-probate assets because of their inclusion for tax purposes, both federal and state.
- D. The timeliness with which the necessary services are performed consistent with statutory requirements, the Court's Rules of Procedure, and the Rules of Professional Conduct applicable thereto.

In considering all of these factors, Attorneys are urged to discuss their fee and that of the Personal Representative or Guardian at the time they are retained in all Probate and Guardianship matters.

**MAXIMUM FEE GUIDELINES AND RULES:  
SUPERVISED ESTATE ADMINISTRATION**

**ATTORNEY FEES**

**A. Supervised Administration**

Supervised Administration shall include, but not be limited to, the following activities on the part of the Attorney: proper petition and documents to open estate and commence probate; preparation and filing of an inventory; determining, locating and administering estate assets; preparation and filing of Indiana Inheritance Tax Return or appropriate Affidavit; proper petition and documents to close estate.

	Flat Fee	Percentage
<b>1. Estate Gross Value of \$200,000 or less:</b>		
Basic	\$1,000.00	
Gross value of estate		6%
Sale of real estate	\$ 750.00	

**Extraordinary services**

A proper petition for fees for extraordinary service must be submitted, at the attorney's customary hourly rate, to be reviewed in light of all circumstances.

Fees will be computed on an hourly basis only for extraordinary services or for services **not** specified above. Fee petitions requesting extraordinary fees must set forth services rendered with specificity, including the amount of time required to perform these services.

**2. Estate Gross Value in Excess of \$200,000:**

Gross estate up to \$200,000	6%
\$200,000 to \$400,000	4%
\$400,000 to \$800,000	3%
Over \$800,000	2%

Sale of real estate	\$ 750.00
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Federal Estate Tax Return, basic fee to be charged, but only if the attorney drafted and signed the return as the actual preparer	\$2,500.00
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Federal Estate Tax assets which exceed assets in Inheritance Tax Schedule	1%
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**Extraordinary services**

A proper petition for fees for extraordinary service must be submitted, at the attorney's customary hourly rate, to be reviewed in light of all circumstances.

Fees will be computed on an hourly basis only for extraordinary services or for services **not** specified above. Fee petitions requesting extraordinary fees must set forth services rendered with specificity, including the amount of time required to perform these services.

**B. Wrongful Death Administration**

If settled before trial	33 1/3%
If tried	40%
If appealed	50%

**Note:** When a contract for legal services has been entered into prior or subsequent to the opening of an Estate, and/or when a settlement has been reached, the Court reserves the right to approve or disapprove such fee contracts consistent with fee guidelines and/or court policy.

**PERSONAL REPRESENTATIVE FEES**

**A. Non-professional**

An amount equal to 33 1/3% of the amount of the attorney's fees approved by the Court.

**B. Professional**

Their applicable reasonable rate, to be reviewed in light of all circumstances.

**C. Extraordinary services**

A proper petition for fees for extraordinary services must be submitted, at the attorney's customary hourly rate, to be reviewed in light of all circumstances.

Fee petitions requesting extraordinary fees must set forth services rendered with specificity, including the amount of time required to perform these services.

The total fees allowed to the Personal Representative and attorney shall not exceed ten percent (10%) of the decedent's gross estate.

All fees are subject to the discretion of the Judge/Probate Commissioner.

**MAXIMUM FEE GUIDELINES AND RULES:  
UNSUPERVISED ESTATE ADMINISTRATION**

The Court will not determine fees in Unsupervised Estate Administration matters.

If the estate is converted to Supervised Administration, the Fee Guidelines and Rules with regard to Supervised Estate Administration shall control.

**MAXIMUM FEE GUIDELINES AND RULES:  
GUARDIANSHIPS OVER THE ESTATE OF AN  
INCAPACITATED ADULT OR MINOR**

**ATTORNEY FEES**

**A. Administration of Guardianship Over an Estate**

Administration of a Guardianship over an estate shall include, but not be limited to, the following activities on the part of the Attorney: proper petition and documents to open uncontested guardianship; preparation and filing of an inventory; determining, locating and administering guardianship assets; preparation and filing of status reports; proper petition and documents to close guardianship administration.

	Flat Fee
Appointment of Guardian (Uncontested Hearing)	\$1,000.00
Inventory	\$ 350.00
Biennial Current Report	\$ 750.00
Status Report	\$ 250.00
Sale of Real Estate	\$ 750.00
Other Petitions	\$ 500.00
Final Report and closing of Guardianship (without preparation of an accounting)	\$ 500.00
Final Report and closing of Guardianship (with preparation of an accounting)	\$1,500.00

**B. Extraordinary services**

A proper petition for fees for extraordinary services must be submitted, at the attorney's customary hourly rate, to be reviewed in light of all circumstances.

Fee petitions requesting extraordinary fees must set forth services rendered with specificity, including the amount of time required to perform these services.

**Note:** When a contract for legal services has been entered into prior or subsequent to the opening of a Guardianship, and/or when a settlement has been reached and no Guardianship is required, the Court reserves the right to approve or disapprove such fee contracts consistent with fee guidelines and/or Court policy.

## **GUARDIAN FEES**

A. **Non-professional**

The greater of five percent (5%) of the income derived (excluding original assets; sale of assets; exchange of assets);

OR

One-half of one percent (.005%) of the gross estate per annum.

B. **Professional**

Their applicable reasonable rate to be reviewed in light of all circumstances.

C. **Extraordinary services**

A proper petition for fees for extraordinary services must be submitted, at the attorney's customary hourly rate, to be reviewed in light of all circumstances.

Fee petitions requesting extraordinary fees must set forth services rendered with specificity, including the amount of time required to perform these services.

All fees are subject to the discretion of the Judge/Probate Commissioner.

**MAXIMUM FEE GUIDELINES AND RULES:  
GUARDIANSHIPS OVER THE PERSON OF AN  
INCAPACITATED ADULT OR MINOR**

The Court will not determine fees in matters concerning the Guardianship over the person of an incapacitated adult or minor.

**MAXIMUM FEE GUIDELINES AND RULES: TRUSTS**

The Court will not determine fees in Trust matters, other than at the discretion of the Court for services actually rendered in Court proceedings.

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